

Attorney's Docket No.: 17181-002005 / 2101G

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Bruce A. Lessey  
Serial No.: 10/762,441  
Confirmation No.: 5177  
Filed : January 21, 2004  
Title : **DETERMINATION OF ENDOMETRIAL RECEPTIVITY TOWARD EMBRYO IMPLANTATION**

Art Unit : 1644  
Examiner : Michael Edward Szperka  
Customer No.: 20985

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER**

Dear Sir:

The owner, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, of 100% percent interest in the above-captioned application, hereby disclaims the terminal part of any patent granted on the above-captioned U.S. application Serial No. 10/762,441 that would extend beyond the expiration date of the full statutory term in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 5,279,941. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and U.S. Patent No. 5,279,941 are commonly owned. This Agreement runs with any patent granted on the above-captioned application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 5,279,941, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

04/25/2005 6DUCKETT 00000001 hereby declare that all statements made herein of my own knowledge are true and correct.  
01 FC:1814 170-00-01 that all statements made on information and belief are believed to be true;

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Terminal Disclaimer

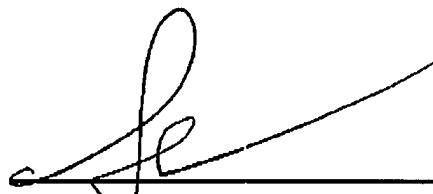
and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned states that I am an attorney of record in this case for Petitioner, and am authorized to sign on behalf of the Petitioner. I hereby declare that to the best of my knowledge and belief, title is in the owner, assignee THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, identified above.

The fee for filing of this Terminal Disclaimer, as required by 37 C.F.R. § 1.20(d), as well as any fees that may be due in connection with the filing of this paper or with this application during its pendency, may be charged to Deposit Account No. 06-1050.

Dated: April 22, 2005

By:

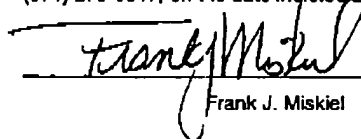
  
Stephanie Seidman  
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Attorney Docket No. 17181-002005 (2101G)  
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**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

Date of Transmission: April 22, 2005

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, to Examiner Nolan, (571) 273-0847, on the date indicated above.

  
Frank J. Miskiel